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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 DANIEL DAVID COURSON,

11 Plaintiff,

12 v.

13 COCHRAN, SAN DIEGO SHERIFF'S  
14 DEPUTY, ESPINOZA, SAN DIEGO  
15 SHERIFF'S DEPUTY,

Defendants.

Civil No.08cv0871 JAH (LSP)

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
[Doc. No. 11]**

16 Plaintiff seeks appointed counsel to assist him in prosecuting this civil rights action  
17 filed pursuant to 42 U.S.C. § 1983. Generally, a plaintiff in a civil case has no right to  
18 appointed counsel. See Hernandez v. Whiting, 881 F.2d 768, 770-71 (9<sup>th</sup> Cir. 1989);  
19 United States v. 30.64 Acres, 795 F.2d 796, 801 (9<sup>th</sup> Cir. 1986). Under 28 U.S.C. §  
20 1915(e)(1), however, district courts are granted discretion to appoint counsel for indigent  
21 persons under “exceptional circumstances.” Terrell v. Brewer, 935 F.2d 1015, 1017 (9<sup>th</sup>  
22 Cir. 1991). “A finding of exceptional circumstances requires an evaluation of both the  
23 ‘likelihood of success on the merits and the ability of the plaintiff to articulate his claims  
24 *pro se* in light of the complexity of the legal issues involved.’ Neither of these issues is  
25 dispositive and both must be viewed together before reaching a decision.” Id. (quoting  
26 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9<sup>th</sup> Cir. 1986)).

27 Although Plaintiff demonstrates his indigent status, he fails to explain how the  
28 complexity of his action prevents him from articulating his claims *pro se*, and provides no

1 discussion of the likelihood of success on the merits of his action. As such, the Court finds  
2 Plaintiff fails to demonstrate exceptional circumstances to support appointment of counsel.

3 Accordingly, IT IS HEREBY ORDERED Plaintiff's motion for appointment of  
4 counsel is **DENIED without prejudice**.

5 DATED: August 18, 2008

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7 JOHN A. HOUSTON  
8 United States District Judge  
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